

United States Department of Agriculture

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

MODIFICATIONS OF JAPANESE BEETLE QUARANTINE REGULATIONS

INTRODUCTORY NOTE

Extensions of the regulated areas in Maryland, New York, Ohio, Pennsylvania, and West Virginia are made in the following revision of regulation 3. In Maryland, the entire counties of Caroline, Harford, and Talbot are brought under regulation, and minor extensions have been made in the counties of Baltimore, Carroll, Frederick, Washington, and Wicomico. In New York, but one community is added, Erwin Township in Steuben County. The newly added Ohio area includes the entire counties of Belmont, Guernsey, Medina, Wayne, and part of Lake County. The area in Pennsylvania has been extended to all of Clarion County and parts of Venango and Erie Counties, placing Corry and Erie under regulation as isolated points. West Virginia extensions include Brooke County, the whole of Jefferson County, area in Wood County, and the city of Charleston, the latter as an isolated point. Wheeling is brought within the main regulated area.

Under regulation 5, the special area from which the movement of fruits and vegetables by motortruck or refrigerator car is regulated has been extended to New York City and surrounding area, including one town in Connecticut, as well as additional area in Maryland, New Jersey, and Pennsylvania.

The season during which fruits and vegetables are required to be certified when shipped from the regulated area remains the same as heretofore, from June 15 to October 15, except that in the case of a small area in Virginia, designated in subsection (A) of regulation 5, certification is required beginning June 1.

Certificate requirements are lifted as to portions of plants without roots and free from soil, such as branches, twigs, and Christmas trees, and also as to soil-free, dried roots incapable of propagation and appropriately labeled. The certification requirements remain in effect as to cut flowers shipped from June 15 to October 15, inclusive. Plants of trailing arbutus, heretofore exempted part of the year when shipped without primary roots and soil-free, are now exempt from certification from October 16 to June 14, provided they are soil-free.

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Acting Chief, Bureau of Entomology and Plant Quarantine.

AMENDMENT NO. 2 TO THE RULES AND REGULATIONS (SEVENTEENTH REVISION) SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 48

(Approved April 4, 1940; effective April 5, 1940)

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), it is ordered that regulations 3, 5, and 6 (secs. 301.48-3, 5, and 6) of the rules and regulations (seventeenth revision) supplemental to Notice of Quarantine No. 48 (sec. 301.48) on account of the Japanese beetle, which were promulgated February 16, 1939, as amended, are hereby further amended to read as follows:

Regulation 3

SEC. 301.48-3. *Regulated areas.*—In accordance with the provisos to Notice of Quarantine No. 48 (twelfth revision) (sec. 301.48), the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the States, District, counties, townships, towns, cities, election districts, and magisterial dis-

tricts listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

Connecticut.—The entire State.

Delaware.—The entire State.

District of Columbia.—The entire District.

Maine.—County of York; towns of Auburn and Lewiston, in *Androscoggin County*; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarborough, Standish, and the cities of Portland, South Portland, Westbrook, and Windham, in *Cumberland County*; the city of Waterville, in *Kennebec County*; and the city of Brewer, in *Penobscot County*.

Maryland.—Counties of Caroline, Cecil, Harford, Kent, Queen Annes, Somerset, Talbot, and Worcester; the city of Baltimore; the city of Cumberland, the town of Frostburg, and election districts Nos. 4, 5, 6, 7, 11, 12, 14, 22, 23, 24, 26, 29, 31, and 32, in *Allegany County*; the city of Annapolis and election districts Nos. 2, 3, 4, and 5, in *Anne Arundel County*; all of *Baltimore County* except election districts Nos. 5 and 6; the city of Westminster, and the election districts of freedom (No. 5), Hampstead (No. 8), Mount Airy (No. 13), New Windsor (No. 11), Taneytown (No. 1), Uniontown (No. 2), and Westminster (No. 7), in *Carroll County*; election districts of La Plata and White Plains, in *Charles County*; election districts of Cambridge (No. 7), East New Market (No. 2), Hurlock (No. 15), and Williamsburg (No. 12), in *Dorchester County*; election districts of Brunswick (No. 25), Buckeystown (No. 1), Frederick (No. 2), Jefferson (No. 14), New Market (No. 9), Petersville (No. 12), and Woodville (No. 18), in *Frederick County*; election districts of Elkridge (No. 1), Ellicott City (No. 2), Guilford (No. 6), and West Friendship (No. 3), in *Howard County*; election districts of Colesville (No. 5), and Rockville (No. 4), in *Montgomery County*, and those portions of the election districts of Bethesda (No. 7), and Wheaton (No. 13), in said county located within the established boundaries of the so-called Washington Suburban Sanitary District; all of *Prince Georges County* except the election districts of Aquasco (No. 8), and Nottingham (No. 4); election districts of Funkstown (No. 10), Hagerstown (Nos. 3, 17, 21, 22, 24, and 25), Halfway (No. 26), Leitersburg (No. 9), Sandy Hook (No. 11), Sharpsburg (No. 1), and Williamsport (No. 2), in *Washington County*; election districts of Camden (No. 13), Delmar (No. 11), Dennis (No. 6), Fruitland (No. 16), Nutters (No. 8), Parsons (No. 5), Pittsburg (No. 4), Salisbury (No. 9), and the town of Salisbury, Sharps town (No. 10), Trappe (No. 7), and Willards (No. 14), in *Wicomico County*.

Massachusetts.—The entire State.

New Hampshire.—Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in *Carroll County*; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in *Grafton County*.

New Jersey.—The entire State.

New York.—Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and the city of Salamanca, in *Cattaraugus County*; towns of Amherst, Cheektowaga, and Tonawanda, and the cities of Buffalo and Lackawanna, in *Eric County*; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and the city of Little Falls, in *Herkimer County*; town of Watertown and city of Watertown, in *Jefferson County*; town of Mount Morris and village of Mount Morris, in *Livingston County*; city of Rochester and town of Brighton, in *Monroe County*; towns of Catherine, Cayuta, Dix, Hector, Montour, and Reading, and the borough of Watkins Glen, in *Schuyler County*; towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and the cities of Corning and Hornell, in *Steuben County*; towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and the city of Ithaca, in *Tompkins County*; towns of Luzerne and Queensbury and the city of Glens Falls, in *Warren County*.

Ohio.—Counties of Belmont, Carroll, Columbiana, Cuyahoga, Guernsey, Harrison, Jefferson, Mahoning, Medina, Portage, Stark, Summit, Tuscarawas, and Wayne; the city of Coshocton, in *Coshocton County*; the city of Columbus, and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in *Franklin County*; townships of Kirtland, Mentor,

and Willoughby, and the villages of Kirtland Hills, Lakeline, Mentor, Mentor-on-the-Lake, Waite Hill, Wickliffe, Willoughby, and Willowick, in *Lake County*; the township of Newark and city of Newark, in *Licking County*; the city of Toledo, in *Lucas County*; the township of Madison and the city of Mansfield, in *Richland County*; townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, the cities of Niles and Warren, and the villages of Cortland, Girard, Hubbard, McDonald, Newton Falls, and Orangeville, in *Trumbull County*.

Pennsylvania.—The entire State, except Crawford and Forest Counties; Mercer Township in *Butler County*; townships of Amity, Concord, Conneaut, Elk Creek, Fairview, Franklin, Girard, Greene, Greenfield, Harborcreek, Le Boeuf, McKean, North East, Springfield, Summit, Union, Venango, Washington, and Waterford, and the boroughs of Albion, Cranesville, East Springfield, Edinboro, Elgin, Fairview, Girard, Lawrence Park, Middleboro, Mill Village, North East, North Girard, Platea, Union City, Waterford, Wattsburg, and Wesleyville, in *Eric County*; townships of Coolspring, Deer Creek, Delaware, East Lackawannock, Fairview, Findley, French Creek, Greene, Hempfield, Jackson, Jefferson, Lackawannock, Lake, Liberty, Mill Creek, New Vernon, Otter Creek, Perry, Pine, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Springfield, Sugar Grove, West Salem, Wilmington, Wolf Creek, and Worth, and the boroughs of Clarksville, Fredonia, Greenville, Grove City, Jackson Center, Jamestown, Mercer, New Lebanon, Sandy Lake, Sheakleyville, and Stoneboro, in *Mercer County*; townships of Allegheny, Canal, Cherrytree, Clinton, Irwin, Jackson, Mineral, Oakland, Oilcreek, Plum, Scrubgrass, and Victory, and the boroughs of Clintonville, Cooperstown, and Pleasantville, in *Venango County*; and the townships of Brokenstraw, Cherry Grove, Columbus, Conewango, Deerfield, Eldred, Farmington, Freehold, Limestone, Pine Grove, Pittsfield, Pleasant, Southwest, Spring Creek, Sugar Grove, Triumph, Watson (including the boroughs of Bear Lake, Grand Valley, Sugar Grove, Tidioute, and Youngsville), in *Warren County*.

Rhode Island.—The entire State.

Vermont.—Counties of Bennington, Rutland, Windham, and Windsor; and the town of Burlington, in *Chittenden County*.

Virginia.—Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, Loudoun, Norfolk, Northampton, Prince William, Princess Anne, and Stafford; magisterial districts of Dale and Manchester, in *Chesterfield County*; magisterial district of Sleepy Hole, in *Nansemond County*; magisterial district of Courtland, in *Spotsylvania County*; Camp Stuart, in *Warwick County*; magisterial district of Washington, in *Westmoreland County*; and the cities of Alexandria, Fredericksburg, Hampton, Newport News, Norfolk, Portsmouth, Richmond, South Norfolk, and Suffolk.

West Virginia.—Counties of Brooke, Hancock, Harrison, Jefferson, Marion, Monongalia, and Taylor; districts of Arden, Falling Waters, Hedgesville, and Opequon, and the city of Martinsburg, in *Berkeley County*; the city of Charleston, in *Kanawha County*; town of Keyser and district of Frankfort, in *Mineral County*; the city of Wheeling, in *Ohio County*; and the city of Parkersburg, and districts of Lubeck and Tygart, in *Wood County*.¹

Regulation 5²

(Approved May 22, 1940; effective May 27, 1940)

Sec. 301.48-5. *Restrictions on the movement of fruits and vegetables*.—A. *Control of movement*.—(1) Unless a certificate or permit shall have been issued therefor, by an inspector, except as provided in paragraphs (a) to (e), inclusive, of this regulation, no fruits or vegetables of any kind shall be moved or allowed to be moved interstate via refrigerator car or motortruck from the State, District, counties, election districts, townships, towns, or cities listed below to or through any point outside the regulated areas:

Connecticut.—Town of Greenwich in Fairfield County.

Delaware.—The entire State.

District of Columbia.—The entire District.

¹ Secs. 301.48-3, 5, 6, 7, and 9 issued under authority of sec. 8, 87 Stat. 318; 39 Stat. 1165; 44 Stat. 250; 7 U. S. C. 161.

² As revised by amendment No. 3 to the Rules and Regulations (seventeenth revision) supplemental to Notice of Quarantine No. 48.

Maryland.—Counties of Cecil, Harford, Kent, Queen Annes, Somerset, and Worcester; election district No. 5 in *Anne Arundel County*; the city of Baltimore; all of *Baltimore County* except election districts Nos. 4, 5, 6, 7, 8, and 10; all of *Caroline County* except election districts of American Corners (No. 8), and Hillsboro (No. 6); election districts of Cambridge (No. 7), East New Market (No. 2), Hurlock (No. 15), and Williamsburg (No. 12), in *Dorchester County*; election districts of Camden (No. 13), Delmar (No. 11), Dennis (No. 6), Fruitland (No. 16), Nutters (No. 8), Parsons (No. 5), Pittsburg (No. 4), Salisbury (No. 9), and the town of Salisbury, Trappe (No. 7), and Willard (No. 14), in *Wicomico County*.

New Jersey.—Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union; townships of Lodi, Lyndhurst, Overpeck, Rochelle Park, Saddle River, and Teaneck, the cities of Englewood, Garfield, and Hackensack, and the boroughs of Bogota, Carlstadt, Cliffside Park, East Paterson, East Rutherford, Edgewater, Englewood Cliffs, Fair Lawn, Fairview, Fort Lee, Glen Rock, Hasbrouck Heights, Leonia, Little Ferry, Lodi, Maywood, Moonachie, North Arlington, Palisades Park, Ridgefield, Rutherford, Teterboro, Wallington, and Wood Ridge, in *Bergen County*; townships of Chatham, Chester, Denville, East Hanover, Hanover, Harding, Menham, Morris, Morristown, Parsippany-Troy Hills, Passaic, Randolph, and Washington, and the boroughs of Chatham, Florham Park, Madison, Mendham, and Morris Plains, in *Morris County*; township of Little Falls, the cities of Clifton, Passaic, Paterson, and the boroughs of Haledon, Hawthorne, North Haledon, Prospect Park, Totowa, and West Paterson, in *Passaic County*; townships of Franklin, Greenwich, Lopatcong, Mansfield, Phillipsburg, Pohatcong, and Washington, and the boroughs of Alpha and Washington, in *Warren County*.

New York.—Counties of Bronx, Kings, New York, Queens, and Richmond; town of North Hempstead, in *Nassau County*; towns of Eastchester, Harrison, Mamaroneck, Pelham, Rye, and Scarsdale, and the cities of Mount Vernon, New Rochelle, White Plains, and Yonkers, in *Westchester County*.

Pennsylvania.—Counties of Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia; townships of Alsace, Amity, Bern, Brecknock, Caernarvon, Colebrookdale, Cumru, District, Douglass, Earl, Exeter, Hereford, Lower Alsace, Maiden creek, Muhlenberg, Oley, Ontelaunee, Pike, Robeson, Rockland, Ruscombmanor, South Heidelberg, Spring, Union, and Washington, the city of Reading, and the boroughs of Bally, Bechtelsville, Birsdboro, Boyertown, Mohnton, Mount Penn, Saint Lawrence, Shillington, Sinking Spring, Temple, West Lawn, West Reading, Wyomissing, and Wyomissing Hills, in *Berks County*; townships of Londonderry, Lower Paxton, Lower Swatara, Susquehanna, and Swatara, the city of Harrisburg, and the boroughs of Highspire, Middletown, Paxtang, Penbrook, Royaltown, and Steelton, in *Dauphin County*; townships of Lower Macungie, Lower Milford, Upper Milford, and Upper Saucon, and the boroughs of Coopersburg and Emaus, in *Lehigh County*; townships of Lower Saucon and Williams, in *Northampton County*; townships of Lower Chanceford and Peach Bottom, in *York County*.

Virginia.—Counties of Accomac, Arlington, and Northampton.

Provided, That shipments of fruits and vegetables moving interstate from the area specified in paragraph (1) of this regulation to other points in the regulated area and subsequently diverted to points outside the regulated area, shall be regarded as direct shipments from the point of origin. As such they require certification:

Provided further, That the Chief of the Bureau of Entomology and Plant Quarantine may by administrative instructions extend or reduce the areas specified in this regulation when in his judgment such action is considered advisable.

(a) No restrictions are placed on the interstate movement of fruits and vegetables between October 16 and June 14, inclusive, except that in the case of movement interstate from the following areas, the exemption applies only during the period from October 16 to May 31, inclusive:

Virginia.—The counties of Accomac, Elizabeth City, Norfolk, Northampton, and Princess Anne; the magisterial district of Sleepy Hole, in *Nansemond County*; Camp Stuart in *Warwick County*; and the cities of Hampton, Newport News, Norfolk, Portsmouth, South Norfolk, and Suffolk.

(b) No certificate or permit will be required for the interstate movement of fruits and vegetables when transported by a common carrier on a through bill of lading either from a point outside the area designated in this regulation

through that area to another outside point, or from the area designated in this regulation through a nonregulated area to another regulated area, except that a certificate is required for interstate movement from the area specified in paragraph (1) of this regulation to the following-named isolated points: Brewer and Waterville, Maine; Hornell, Mount Morris, and Watertown, and the town of Hornellsville, Steuben County, N. Y., or to other regulated parts of Jefferson and Livingston Counties, N. Y.; Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or to other regulated parts of Licking and Richland Counties, Ohio; Corry and Erie, Pa.; Burlington, Vt.; and Charleston and Parkersburg, W. Va.

(c) No restrictions are placed on the interstate movement of fruits and vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(d) No restrictions are placed on the interstate movement of any shipments of (1) bananas in single bunches packed in commercial containers; or (2) bananas singly, or in individual hands.

(e) No restrictions are placed on the interstate movement of fruits and vegetables from the area listed in paragraph (1) of this regulation to the remainder of the regulated area, other than as specified in paragraph (b) of this regulation.

(2) No restrictions are placed on the interstate shipment from the regulated areas of fruits and vegetables other than those mentioned above except that any such interstate shipments of fruits and vegetables may be inspected at any time or place inside or outside the regulated areas and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.

B. Conditions of certification.—Certificates may be issued for the interstate movement of fruits and vegetables between June 15 and October 15, inclusive (or between June 1 and October 15, inclusive, when consigned from that part of Virginia described in paragraph (a) of this regulation) under one of the following conditions:

(3) When the fruits and vegetables moving by motortruck have actually been inspected by the United States Department of Agriculture and found free from infestation. The number of inspection points for such certification will be limited and their location determined by shipping needs and further conditioned on the establishment at such points of provisions satisfactory to the inspector for the handling and safeguarding of such shipments during inspection. Such inspection may be discontinued and certification withheld by the inspector during periods of general or unusual flight of the beetles.

(4) When the fruits and vegetables have been handled or treated under the observation of an inspector in manner and by method to free them from any infestation.

(5) When the fruits and vegetables have originated outside the areas designated in this regulation, and are to be reshipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for safeguarding of such shipments pending certification and reshipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(6) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the areas designated in paragraph (1) of this regulation, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(7) When the fruits and vegetables moving via refrigerator car from the area designated in this regulation have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as fumigated or thoroughly swept and cleaned by the common carrier in a manner to rid it of infestation. During the interval between fumigation or cleaning and loading, such refrigerator car must be tightly closed and sealed.

(8) When the fruits and vegetables moving via refrigerator car from the area designated in this regulation have been fumigated in the car, when deemed necessary in the judgment of the inspector and when the doors and hatches of

the car have been tightly closed or adequately screened under the supervision of an inspector.³

Regulation 6

Sec. 301.48-6. *Restrictions on the movement of nursery and ornamental stock.*—A. *Control of movement.*—Nursery and ornamental stock as defined in regulation 1 (sec. 301.48-1) shall not be moved or allowed to be moved interstate from the regulated areas to or through any point outside thereof, unless a certificate or permit shall have been issued therefor by the inspector except as follows:

(1) The following articles, because of their growth or production, or their manufactured or processed condition, are considered innocuous as carriers of infestation and are therefore exempt from the requirements of certification:

(a) (i) True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil, and (ii) single dahlia tubers or small dahlia root divisions when free from stems, cavities, and soil. Dahlia tubers, other than single tubers or small root divisions meeting these conditions, require certification.

(b) (i) Cut orchids, (ii) orchid plants, when growing exclusively in *Osmunda* fiber, (iii) *Osmunda* fiber, *Osmundine*, or orchid peat (*Osmunda cinnamomea*, and *O. claytoniana*).

(c) (i) Floral designs or "set pieces," including wreaths, sprays, casket covers, and all formal florists' designs; bouquets and cut flowers not so prepared are not exempted; (ii) trailing arbutus, or Mayflower (*Epigaea repens*), when free from soil, and when shipped during the period between October 16 and June 14, inclusive.

(d) (i) Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container of such materials, (ii) mushroom spawn, in brick, flake, or pure culture form.

(e) (i) Sheet moss (*Galliergon schriberi* and *Thuridium recognitum*), (ii) resurrection plant or bird's-nest moss (*Selaginella lepidophylla*), (iii) sphagnum moss, bog moss, or peat moss (Sphagnaceae), (iv) dyed moss, when heat treated and appropriately labeled.

(f) Soil-free, dried roots incapable of propagation, when appropriately labeled.

(2) No restrictions are placed on the interstate movement of nursery and ornamental stock imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with a copy certificate of the country from which it was exported, a statement of the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where grown.

(3) No restrictions are placed on the interstate movement of soil-free aquatic plants, and of portions of plants without roots and free from soil, except that a certificate is required for the movement of cut flowers during the period June 15 to October 15, inclusive.

(4) No certificate or permit will be required for the interstate movement of nursery and ornamental stock when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required between June 15 and October 15 for interstate movement of cut flowers from the main regulated areas to the following-named isolated points: Brewer and Waterville, Maine; Brighton, Buffalo, Hornell, Mount Morris, Rochester, and Watertown, and the town of Hornellsville, Steuben County, N. Y., or to other regulated parts of Erie, Jefferson, and Livingston Counties, N. Y.; Columbus, Coshocton, Mansfield, Newark and Toledo, Ohio, or to other regulated parts of Licking and Richland Counties, Ohio; Corry and Erie, Pa.; Burlington, Vt.; and Charleston and Parkersburg, W. Va. No restrictions are placed on the interstate movement of cut flowers from the above-named isolated points.

B. *Conditions governing the issuance of certificates and permits.*—For the purpose of certification of nursery and ornamental stock, nurseries, greenhouses, and other premises concerned in the movement of such stock will be classified as follows:

(5) *Class I.*—Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on or within approximately 500

³ See footnote 1, p. 3.

feet of which no infestation has been found may be classified as class I. Upon compliance with the requirements of paragraph (11) of this regulation, nursery and ornamental stock may be certified by the inspector for shipment from such premises without further inspection, and without meeting the safeguards prescribed as a condition of interstate shipment of plants originating in nurseries or greenhouses of class III.

(6) *Class III.*—(a) Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on which either grubs in the soil or one or more beetles have been found, will be classified as class III, provided, (i) there are maintained on the premises subdivided class I areas, certified houses, frames, or plots or other certified areas, or (ii) there is a legitimate need for interstate or intradealer certification of such stock. Such classification will not be granted to nurseries, greenhouses, and other premises that do not maintain certified or subdivided areas and require only infrequent certification. Such classification also may be given to nurseries, etc., where one or more beetles or grubs are found in the immediate proximity (within approximately 500 feet) of such nurseries, etc., on adjacent property or properties. In the case of nursery properties under single ownership and management but represented by parcels of land widely separated, such parcels may be independently classified either as class I or class III upon compliance with such conditions and safeguards as shall be required by the inspector. Similarly, unit nursery properties, which would otherwise fall in class III, may be open to subdivision, for the purpose of rating such subdivisions in classes I or III, when in the judgment of the inspector such action is warranted by recent and scanty infestation limited to a portion of the nursery concerned: *Provided*, That the subdivision containing the infestation shall be clearly marked by boundaries of a permanent nature which shall be approximately 500 feet beyond the point where the infestation occurs.

(b) Upon compliance with paragraphs (7), (10), and (11) of this regulation, nursery and ornamental stock may be certified by the inspector for shipment from such premises under any one of the following conditions: (i) That the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector; or (ii) in the case of plants in which the root system is such that a thorough inspection may be made, that the soil shall be entirely removed from the stock by shaking or washing; or (iii) that it shall be shown by evidence satisfactory to the inspector that the plants concerned were produced in a certified greenhouse.

(7) Greenhouses of class III may be certified upon compliance with all the following conditions with respect to the greenhouses themselves and to all potting beds, heeling-in areas, hotbeds, coldframes, and similar plots:

(a) Ventilators, doors, and all other openings in greenhouses or coldframes on premises in class III shall be kept screened in manner satisfactory to the inspector during the period of flight of the beetle, namely, south of the northern boundaries of Maryland and Delaware between June 1 and October 1, inclusive, or north thereof between June 15 and October 15, inclusive.

(b) Prior to introduction into nurseries or greenhouses, sand, if contaminated with vegetable matter, soil, earth, peat, compost, or manure taken from infested locations or which may have been exposed to infestation, must be sterilized or fumigated under the direction and supervision of, and in manner and by method satisfactory to the inspector. If such sand, soil, earth, peat, compost, or manure is not to be immediately used in such greenhouses, it must be protected from possible infestation in manner and by method satisfactory to the inspector.

(c) All potted plants placed in certified greenhouses of class III and all potted plants to be certified for interstate movement therefrom (i) shall be potted in certified soil; (ii) shall, if grown outdoors south of the northern boundaries of Maryland and Delaware at any time between June 1 and October 1, inclusive, or north thereof at any time between June 15 and October 15, inclusive, be kept in screened frames while outdoors; (iii) shall, if grown outdoors during any part of the year, be placed in beds in which the soil or other material shall have been treated in manner and by method approved by the Bureau of Entomology and Plant Quarantine to eliminate infestation; and (iv) shall comply with such other safeguards as may be required by the inspector.

(8) Cut flowers may be certified for movement either (a) when they have been inspected by an inspector and found free from infestation, or (b) when they have been grown in a greenhouse of class I or in a certified greenhouse of class III and are transported under such safeguards as will in the judgment of the inspector prevent infestation. (See also paragraph (3) of this regulation.)

(9) Nursery and ornamental stock originating on or moved from unclassified premises may be certified by the inspector under either one of the following conditions: (a) That the soil shall be entirely removed from the stock, or (b) that the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector, or (c) that it shall be shown by evidence satisfactory to the inspector that the accompanying soil was obtained at such points and under such conditions that in his judgment no infestation could exist therein.

(10) Nurserymen, florists, dealers, and others, in order to maintain a class III status shall report immediately on forms provided for that purpose all their sales or shipments of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated area. Certification may be denied to any person who has omitted to make the report required by this regulation, and such denial of certification shall continue until the information so omitted has been supplied.

(11) Nurserymen, florists, dealers, and others, in order to maintain a class I status, or to maintain in a class III establishment, a class I subdivision, a certified plot, or a certified greenhouse, (a) shall restrict their purchases or receipts of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure, secured within the regulated area and intended for use on class I or certified premises, to articles which have been certified under these regulations as to each such article and the said certificate shall accompany the article when moved; (b) shall obtain approval of the inspector before such articles are received on class I or certified premises or are taken into certified greenhouses; (c) shall report immediately in writing all purchases or receipts of such articles secured from within the regulated area for use on such premises; and (d) shall also report immediately on forms provided for that purpose all their sales or shipments of such articles both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated areas. Certification may be denied to any person who has omitted to make the report or reports required by this regulation, and such denial of certification shall continue until the information so omitted has been supplied.

(12) Nursery and ornamental stock imported from foreign countries and not reshipped from the port of entry in the unopened original container may be certified for movement under these regulations when such stock has been inspected by an inspector and found free from infestation.

(13) Nursery and ornamental stock originating outside the regulated areas and certified stock originating in classified nurseries or greenhouses may be certified for reshipment from premises other than those on which they originated, under provisions satisfactory to the inspector for the safeguarding of such stock from infestation at the point of reshipment and en route and when found advisable by the inspector, after reinspection and determination of freedom from infestation.⁴

Regulation 7

SEC. 301.48-7. *Restrictions on the movement of sand, soil, earth, peat, compost, and manure.*—A. *Control of movement.*—Sand, soil, earth, peat, compost, and manure shall not be moved or allowed to be moved interstate from any point in the regulated areas to or through any point outside thereof unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) No restrictions are placed on the interstate movement of (a) sand and clay when free from vegetable matter; (b) greensand marl; and (c) such other sands and clays as have been treated or processed and subsequently handled in such manner that in the judgment of the inspector no Japanese beetle could exist therein, provided that each container of such article shall be labeled on the outside thereof as to nature of contents, except that in the case of bulk shipments such label shall accompany the waybill or other shipping papers.

(2) No restrictions are placed on the interstate movement of manure, peat, compost, or humus (a) when dehydrated and either shredded, ground, pulverized, or compressed, or (b) when treated with crude petroleum or any other product having high potency as an insecticide, and when so labeled on the outside of each commercial container of such materials.

⁴ See footnote 1, p. 3.

(3) No restrictions are placed on the interstate movement of sand, soil, earth, peat, compost, and manure imported from foreign countries when re-shipped from the port of entry in the unopened original container and labeled as to each container with the country of origin, and when the shipment is further protected in manner or method satisfactory to the inspector.

(4) No certificate will be required for the interstate movement of sand, soil, earth, peat, compost, and manure when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

B. Conditions of certification.—Certificates for the movement of restricted sand, soil, earth, peat, compost, and manure may be issued under any one of the following conditions:

(5) When the articles to be moved have originated in districts included in the regulated area, but in which neither beetles nor grubs in soil have been found.

(6) When the material consists of fresh manure or of mined, dredged, or other similar materials, and it has been determined by an inspector that no infestation could exist therein.

(7) When the material has been removed, under the supervision of an inspector, from a depth of more than 12 inches below the surface of the ground and either (a) is to be moved between October 18 and June 14, inclusive, or (b) is loaded and shipped at points where it has been determined by an inspector that no general infestation of adult beetles exists, or (c) when the cars and loading operations are protected by screening under the direction of and in manner and by method satisfactory to the inspector.

(8) When the material has been fumigated with carbon disulphide or otherwise treated under the supervision of and in manner and by method satisfactory to the inspector. Such fumigation or treatment will be required as a condition of certification of all restricted sand, soil, earth, peat, compost, and manure, except such as is loaded and shipped in compliance with paragraphs (5), (6), or (7) hereof.⁵

Regulation 9

SEC. 301.48-9. *Marking and certification a condition of interstate transportation.*—(a) Every box, basket, or other container of restricted articles listed in regulations 5, 6, and 7 (secs. 301.48-5, 6, and 7) shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with these regulations. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment, and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.⁵

This amendment supersedes amendment No. 1, promulgated June 22, 1939, and shall be effective on and after April 5, 1940.

Done at the city of Washington this 4th day of April 1940.

Witness my hand and the seal of the United States Department of Agriculture.



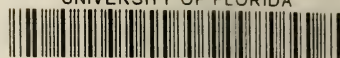
⁵ See footnote 1, p. 3.

H. Wallace
Secretary of Agriculture.

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